

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

REPLY BRIEF

Dear Sir or Madam:

Further to the Appeal Brief filed October 24, 2006 and the Examiner's Answer mailed February 22, 2007, Appellant presents this Reply Brief. Appellant respectfully requests that this reply brief be considered by the Board of Patent Appeals and Interferences.

REMARKS

In the Appeal Brief, Appellant argued that the Guttag reference is not available as a reference in a 103(a) rejection because it is not in the field of the present inventors' endeavor and is not reasonably pertinent to the particular problem with which the inventors were concerned. The Examiner responded that, "In this case, since both Guttag's teaching and Appellant's application are in the same field of processing computer graphics data using arithmetic functions, the examiner respectfully submits that Guttag teaching is in the same field of Appellant's endeavour."

However, as described in the Appeal Brief, Appellant's invention relates to the field of graphical programming (e.g., creating software program source code using graphical diagramming means), which is not at all the same as the field of computer graphics. As well known to those skilled in the art of graphical programming and as described in the present application, a graphical program is created by including a plurality of nodes or icons in a block diagram and interconnecting the nodes or icons, e.g., such that the interconnected plurality of nodes or icons visually indicates functionality of the resulting software program (called a "graphical program"). In this manner, for example, a user may create a graphical program without writing text-based source code. For example, FIG. 32 of the present application (among others) illustrates one example of a graphical program.

Guttag, on the other hand, relates generally to the field of computer graphics, and more particularly, relates to a graphics data processing apparatus which can logically combine the color data for two image arrays on a pixel by pixel basis. (See Abstract.) The field of processing computer graphics data is not at all the same as the field of graphical programming. Guttag is entirely unrelated to the field of graphical programming (e.g., the field of creating a software program by graphically interconnecting nodes or icons) and does not teach or even remotely suggest the concept of a graphical program such as described throughout the present application.

In general, Guttag relates to a computer hardware invention (e.g., hardware for processing graphics data), whereas Appellant's invention relates generally to creating a graphical program (a type of software program). Appellant thus maintains the argument

that Guttag is not in the field of the present inventors' endeavor and is not reasonably pertinent to the particular problem with which the inventors were concerned, and is thus not available as a reference in a 103(a) rejection.

With respect to the independent claims 1 and 9, Appellant also argued that the cited references do not teach the recited limitations of, "configuring the node with criteria information in response to user input, wherein the criteria information indicates that the first numerical function is to be performed on a subset, but not all, of the data values received by the node". The Examiner argued that Appellant attacked the Guttag reference individually with respect to these limitations. Appellant recognizes that a 103(a) rejection cannot be rebutted by attacking references individually. However, Appellant argues that the cited references, taken either singly or in combination, do not teach these limitations. With respect to these limitations, the Examiner cites Guttag, Col. 24, lines 1-3. The cited portion is a portion of claim 18, which recites in pertinent part:

18. A graphics data processing apparatus as claimed in claim 17, wherein said arithmetic logic unit includes:

a plurality of arithmetic logic subunits, each of which performs said selected combination on a subset of the data received at said first and second inputs, said arithmetic logic subunits having their carry inputs and outputs connected together in a carry chain from least significant to most significant;

The Examiner admits that Roach does not teach configuring a node in a graphical program with criteria information in response to user input, wherein the criteria information indicates that the first numerical function is to be performed on a subset, but not all, of the data values received by the node. Appellant respectfully submits that the combination of Guttag with Roach does not remedy this deficiency. The cited portion of Guttag clearly refers to arithmetic logic subunits in an arithmetic logic unit of a graphics data processing apparatus, where each arithmetic logic subunit performs processing on a subset of the data received by the arithmetic logic unit. There is no teaching in either reference about criteria information that indicates that a first numerical function is to be performed on a subset, but not all, of the data values received. Much less does the combination of references fairly teach or suggest configuring a node in a graphical program with such criteria information in response to user input.

Furthermore, Appellant submits that there would be no motivation for combining Guttag's teaching with Roach's invention. First, Guttag relates to a hardware invention (a graphics data processing apparatus), whereas Roach relates to a software development tool. Appellant submits that there would be no reasonable expectation of success in combining Guttag's arithmetic logic subunit hardware with Roach's software-based development system, as apparently proposed by the Examiner.

Secondly, there is no teaching or suggestion in the prior art for making the proposed combination. The Examiner asserts that, "Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Guttag's teaching of performing a numerical function on a subset, but not all of the received data values in Roach's system with the motivation being to perform the numerical function on a part of received data." However, Guttag teaches a plurality of arithmetic logic subunits in a graphics data processing apparatus, each of which performs processing on a subset of data received in an arithmetic logic unit. There is no teaching or suggestion as to why one would be motivated to apply this teaching to Roach's system, which is not related to graphics data processing apparatuses. Furthermore, Appellant submits that the portions of Roach cited by the Examiner teach a node operable to perform an arithmetic function (e.g., addition) on two parameters. There is no teaching or suggestion in the references as to why one would want to perform the arithmetic function on some of the node's parameters, but not others.

Appellant thus maintains the argument that the cited references, taken either singly or in combination, do not teach the limitations of, "configuring the node with criteria information in response to user input, wherein the criteria information indicates that the first numerical function is to be performed on a subset, but not all, of the data values received by the node". Appellant also maintains and re-asserts the other arguments made in the Appeal Brief as to why Roach and Guttag do not form a case of *prima facie* obviousness.

VIII. CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1, 2, 5-7, 9, 10, 13-15, and 17-19 was erroneous, and reversal of the Examiner's decision is respectfully requested.

The Commissioner is authorized to charge any fees that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5150-48900/JCH.

Respectfully submitted,

/Jeffrey C. Hood/

Jeffrey C. Hood, Reg. #35198
ATTORNEY FOR APPLICANT(S)

Meyertons Hood Kivlin Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

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